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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/922,462 | 09/03/1997 | JAMES R. DEFRANCESCO | CMSI-0003 | 1577 |

7590 09/25/2002

STERNE,KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W. SUITE 600
WASHINGTON, DC 20005-3934

EXAMINER

NGUYEN, NGA B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3628

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/922,462

Applicant(s)
DeFrancesco et al.

Examiner
Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 21, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 16, 17, 20-22, and 38-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43 is/are allowed.
- 6) ☒ Claim(s) 13, 16, 17, 20-22, 38-42, and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 33 20) ☐ Other:

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on June 21, 2002, which paper has been placed of record in the file.
2. Claims 13, 16, 17, 20-22, and 38-44 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 13, 16, 17, 20-22, and 38-44 have been considered but are moot in view of the new ground of the rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17, 20-22, 39-42, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 22 are considered ambiguously constructed and indeterminate in scope because the purport to claim both an apparatus and method of using the apparatus in a single

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claim. Claims 21, 22, 39-42 are dependent claims of claims 17 and 22, therefore have the same defects as above.

Regarding to claim 44, "the specific details" is lack of antecedent basis because it is not identified in the parent claim (claim 43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 16, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al, U.S. Patent No. 5,611,052 in view of Official notice taken by Examiner.

Regarding claim 13, Dykstra discloses a computer based method of managing a credit application in a system including a central processor coupled to a communications medium for communicating with a remote application entry and display device that allows entry of the credit application (see abstract), a remote credit bureau terminal device (figure 1, item 38), and a remote funding source terminal devices (figure 1, item 34), the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

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obtaining credit report data from at least one remote credit bureau terminal device
(column 4, lines 41-65);

selectively forwarding the credit application data and the credit report data to at least one
remote funding source terminal device (figure 2A, step 120);

forwarding funding decision data from the at least one remote funding source terminal
device to remote application entry and display device (figure 2A, step 122).

Dykstra does not teach the step of: providing warranty functionality to the remote
application entry and display device. However, Dykstra does teach providing borrower's
information such as name, address, social security number, employer, income and the like to the
user at the remote application entry and display device (column 4, lines 30-35). Therefore, it
would have been obvious in Dykstra's to include warranty functionality in borrower's
information. Moreover, Official notice is taken that providing warranty functionality to a user at
the remote application entry and display device is also well known in the art. For example, when
a customer purchases a car at an auto dealer, the customer is always required to provide the
warranty functionality information to the dealer. Thus no patentable distinction is imparted by
this feature.

Regarding claim 16, Dykstra does not directly teach remote application entry and display
device include a telephone connection for voice communication with a remote data entry location
to provide the credit application data. However, Dykstra does teach remote application entry and
display device having a keyboard, display, or other user input/output devices (column 3, lines 55-

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60). Therefore, it would have been obvious in Dykstra's to include a telephone connection for voice communication with a remote data entry location to provide the credit application data.

Regarding claim 38, Dykstra further discloses the system processes credit applications for a dealer having a plurality of dealerships located at different locations, the method further comprising the steps of: aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

Allowable Subject Matter/Reasons for Allowance

8. Claim 43 is allowable over the prior arts of cited record because none of the reference taken individually or in combination discloses/teaches the obviousness of the following further limitation: first lender selectively forwarding the credit application to a second lender if said first lender declines to approve the credit application.

9. Insofar as the claims (claims 17, 20-22, 39-42) can be understood it being treated as the method claims and the claims are allowed over the prior arts of cited record because none of the reference taken individually or in combination discloses/teaches the obviousness of the following further limitation: wherein the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application.

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Conclusion

10. Claims **13, 16, 17, 20-22, 38-42, and 44** are rejected.

Claim **43** is allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

12. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
September 16, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600